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KMCA, BM
SUBJECT: BURMA: 2009 TRAFFICKING IN PERSONS REPORT

REF: STATE 2094

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Summary and Recommendation

11. (U) Burma remained a source country for women, men, and children trafficked for forced labor and sexual exploitation. To a lesser extent Burma is a transit country for trafficking victims going between neighboring countries. Forced labor and child-soldier recruitment continued to occur within Burma. During the reporting period, the Government of Burma (GOB) took meaningful steps to combat domestic and cross-border trafficking.

12. (SBU) Good News: In 2009, the GOB identified 155 Trafficking in Persons (TIP) cases. These cases involved 429 traffickers, of which 410 are on trial or have been convicted. During the same period, the GOB identified and assisted 302 TIP victims through its own investigative efforts and assisted an additional 425 TIP victims repatriated by neighboring countries to Burma. Burmese authorities built on progress made on anti-TIP efforts between 2007-2008. The GOB increased arrests of traffickers and expenditures on enforcement and prevention. The GOB created new police units dedicated to TIP cases and improved external cooperation, including by signing memoranda of understanding (MOUs) with Thailand and China during the reporting period. The GOB, non-governmental organizations (NGOs), and international organizations (IOs) improved public

awareness efforts, particularly among potential TIP victims. The head of the GOB anti-trafficking task force publicly spoke out about TIP during the premier of a USG-sponsored TIP documentary produced by MTV and subsequently aired on Burmese state-run television.

13. (SBU) The GOB allowed NGO- and IO-led training of military and civilian officials ranging from enlisted soldiers to senior members of the judiciary. IOs and NGOs continued to assist TIP victims with return and reintegration. The International Labor Organization (ILO) and United Nations Children's Fund (UNICEF) continued to assist child soldiers and reported improved access to higher echelon military leaders. The military itself took unprecedented steps to punish criminally some of those involved in child soldier recruitment. Most international partners agreed that the TIP awareness of their GOB interlocutors continued to improve and felt that cooperation, while not perfect, has increased.

14. (SBU) Bad News: Children continued to serve in the Burmese military and in some of the armed insurgent and ceasefire groups located in ethnic minority areas. By all accounts, the Burmese military continued to be the main perpetrator of forced labor inside Burma, and Burmese law enforcement officials generally were not able to investigate or prosecute cases of military perpetrated forced labor or child soldier recruitment absent assent from high ranking military officers. The cooperation, communication, and openness to interaction with foreign partners seen on cross-border TIP issues was less obvious when it came to internal trafficking. For example, to date the GOB has not

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announced any findings with regard to a reported case of child labor involving up to 100 children on an agricultural plantation near Rangoon, despite ILO and diplomatic pressure, and forced labor complainants in Magwe Division have suffered judicial retribution at the hands of local authorities for coming forward.

15. (SBU) Overall assessment: Since 2007, the GOB has done much to improve its detection and interdiction of cross-border TIP and has taken on a much more positive role in protecting some of its most vulnerable citizens. While major concerns remain, particularly concerning forced labor, Post believes that the positive elements of the GOB's performance on TIP issues during the reporting period should be further encouraged by placing Burma on the Tier II Watch List instead of Tier III, thereby offering a reward for the improvements in performance and an incentive for the future.

16. (U) Embassy Rangoon's input for the annual Trafficking in Persons Report follows. Answers are keyed to reftel questions; information provided below is unclassified.

Burma's TIP Situation

1A. Post met with senior officers from the Burmese Department of Transnational Crimes (including the commanding general) and its subordinate Anti-Trafficking Unit (ATU). Post also met with: commanders of five of the ATU's subordinate Anti-Trafficking Task Forces (ATTFs); international NGOs that work on TIP issues in Burma, including Save the Children and World Vision; and UN agencies, including the International Organization for Migration (IOM), UNICEF, and the ILO. Given the range of sources, Post considers the following information to be generally reliable.

B: Trafficking remained a problem internally and all along Burma's border. Burma was primarily a source country for men, women, and children trafficked into forced labor and sexual exploitation. Children were trafficked to Thailand as forced street hawkers and beggars or to China for adoption. Women were trafficked to China as forced brides and to China,

Thailand, and Malaysia for sexual exploitation. Additionally, men and women were trafficked to Thailand and Malaysia for labor.

Traffickers exploited Burmese citizens from all areas of the country, though socio-economic pressures in impoverished areas such as the 'Dry Zone' (Magwe, Mandalay, and Sagaing Divisions) tended to increase vulnerability to trafficking. There were no major changes in trafficking destinations since the last TIP Report. Brokers typically used deception rather than force, promising good jobs to recruit victims. In a few cases, TIP victims moved through Burma from Bangladesh to Malaysia and from China to Thailand.

Anecdotal reporting suggested domestic economic stagnation led to increased migration (legal and illegal) of Burmese to regional neighbors and to destinations as distant as the Middle East. While most of these cases entailed voluntary migration, it is possible some travelers became TIP victims

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after arrival.

Internal TIP occurred primarily from villages to urban areas and economic hubs for labor in industrial and agricultural pursuits and for sex work. Children were trafficked internally to work in shops, home industries, and fields. In a recent example, the ILO took a complaint in December 2009 from a 12 year old boy who described being abducted in Rangoon Division and transported to an agricultural plantation where he was forced to work with approximately 100 other boys. ILO and post have encouraged Burmese law enforcement and labor officials, including the Minister of Labor, to investigate, but the GOB has not yet shared any investigative findings.

Citizens of Burma were subject to forced labor and forced military recruitment within Burma not only by the GOB but also by ethnic insurgent groups in areas they controlled.

The GOB continued to step up anti-TIP efforts, an ongoing trend over the last three years. In 2009, the GOB investigated 155 trafficking cases that involved 37 male and 265 female victims. The GOB prosecuted 410 traffickers during 2009. Thai authorities repatriated 132 TIP victims to Burma and Chinese authorities repatriated an additional 293 TIP victims.

1C. Burmese TIP victims were subject to forced labor and sexual exploitation abroad. Less is known about internal trafficking as the GOB views it as a more sensitive issue and is reticent to discuss it. Domestic trafficking victims were subject to forced labor conditions, sometimes at the hands of the Burmese military.

1D. Deteriorating economic conditions throughout the reporting period drove many Burmese to migrate voluntarily, which exposed them to domestic and international traffickers. Young women were most vulnerable to trafficking for sex work, domestic servitude, and forced marriage. Children were most at risk for exploitation as street beggars and unskilled laborers. Traffickers sought men for physically demanding labor, namely in the fishing and construction industries. The poor and those living in impoverished areas and border areas were most at risk and were typically trafficked to urban areas in Burma or to destinations in neighboring countries.

The ILO stated that the Burmese continued to be vulnerable to forced labor, as GOB officials, predominantly members of the military, in all states and divisions used forced labor. Those living in areas with the highest military presence, i.e., in remote border areas populated by ethnic groups, were most at risk for forced labor, including forced portering and sentry duty.

In February 2007, the ILO and the Burmese Government signed a one-year agreement establishing a mechanism to address forced labor cases, including child soldier cases. The two parties renewed this agreement in February 2009 and did so again in January 2010. Under this agreement, the ILO has successfully returned more than 66 child soldiers to their families, 31 of

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them in 2009. In 2009, for the first time, the Burmese military criminally prosecuted an officer for child recruitment and sentenced him to hard labor in a civilian prison. The GOB also sentenced two enlisted soldiers to time in a military prison and meted out harsher administrative punishments than previously observed to others involved in the case. According to UNICEF, the military also voluntarily returned several hundred children to their families in 2009 after discovering those recruits were under age.

--E. Traffickers and their Methods: Traffickers were primarily small, often family based, criminal groups operating in loose association with other similar groups. In one notable case, Burmese and Chinese law enforcement officials dismantled a larger cross-border criminal gang based on both sides of the Muse (Burma)-Ruili (China) border crossing. In this operation, police on both sides of the border arrested a total of 46 traffickers over a three-day period in August 2009.

In many identified cases, the victim sought out a broker to find employment or responded to a broker's pitch of a lucrative job elsewhere in Burma or abroad. Brokers, loosely associated and each covering specific geographic areas, passed TIP victims on from one TIP group to the next until reaching the destination inside Burma or a border area. Often, traffickers used public transportation systems (predominantly buses) to move their victims by road. In the case of international TIP operations, brokers then smuggled most TIP victims across Burma's porous borders with minimal or no documentation. Few, if any, TIP victims crossed an international border at a legal border crossing. In cross-border cases, the final link in the chain of Burmese brokers handed the victim over to a foreign broker for onward movement. In some cases the victims were transported to destinations as far away as China's coastal provinces. In other cases the foreign broker delivered the TIP victim to a buyer/captor within a few miles of the border.

According to Burmese ATTF officers, the monetary value of TIP victims increased exponentially as the victims moved along the chain. In the Burma-China context the ATTF estimated the Burmese brokers that moved TIP victims across the border received approximately 5,000 yuan (USD 732) per victim while the end buyers in China paid between 35,000-42,000 yuan (USD 5,125-USD 6,151) per victim.

Reliable GOB statistics on migration are not available but conversations with those involved in the export labor sector indicated the flow of Burmese workers seeking employment abroad has begun to rebound from the drop observed during the global financial crisis when many Burmese workers returned home after losing jobs abroad. Skilled and semi-skilled workers continued to move overseas to fill employment contracts in Asia and the Middle East. Post has not seen evidence that local employment agencies (or travel agencies) are involved in trafficking schemes. While industry contacts acknowledged some migrant workers end up in abusive situations, those appeared to be cases of bad employers overseas rather than planned trafficking operations.

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Setting the Scene for Burma's Anti-TIP Efforts

--A. The GOB acknowledges that trafficking is both a problem within Burma and across its borders, and has taken legal and educational action to combat it since 1998. The government has yet to address the systemic political and economic problems that cause many Burmese to seek employment in neighboring countries. Burmese officials were more willing to discuss TIP in the cross-border context and less willing to have frank discussions on domestic TIP. This is presumably due to the power structure in place where the most powerful institution in the country, the military, is also a main perpetrator of forced labor.

The Ministry of Labor has acknowledged that forced labor is a problem in Burma and continues to work with the ILO to prevent civilian perpetration of forced labor. The military cooperated with the ILO on resolving child soldier recruitment cases and allowed the ILO and UNICEF to provide training designed to prevent child soldier recruitment to military officers and civilian officials. However, in general, the GOB remained less responsive on forced labor cases involving the military.

--B. The GOB lead on TIP issues is the Central Body for the Suppression of Trafficking in Persons (CBTIP), chaired by the Minister of Home Affairs. There are 26 members. Agencies represented in the Central Body include the police (under Home Affairs), the Ministry of Social Welfare, and the Department of Relief and Resettlement. Non-GOB members include UN agencies working in Burma, international NGOs, and local organizations. The CBTIP operates according to a five-year National Action Plan to Combat Human Trafficking. Each year the CBTIP releases an annual Work Plan congruent with the five-year plan and reflective of current priorities. The 2009 Work Plan laid out 66 activities across five elements and assigned roles to GOB entities, NGOs, and other partners.

Additionally, the GOB has a Working Group on the Prevention of Trafficking in Persons and Protection of Trafficked Victims, chaired by the Deputy Minister of Home Affairs; a Working Group on Legal Framework and Prosecuting Measures, chaired by the Deputy Attorney General; and a Working Group on Repatriation, Reintegration, and Rehabilitation of Trafficked Victims, chaired by the Deputy Minister of Social Welfare.

Other agencies active in the GOB's anti-trafficking efforts include the Ministry of Progress of Border Areas and National Races Development, the Ministry of Economic Planning and National Development, the Attorney General, the General Administration, the Immigration Service, the Ministry of Labor, and the Myanmar Women's Affairs Federation, a government-affiliated organization.

The police ATU, under the Department of Transnational Crimes, manages the law enforcement component of the anti-TIP effort in Burma and has also taken a lead role in education and prevention campaigns. The ATU, with offices in Nay Pyi Taw

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and Rangoon, oversees investigative and prevention efforts by ATTFs in locations deemed strategic in combating TIP. In 2009, the ATU formed three new ATTFs, located in Laukkai (Shan State), Patheingyi (Irrawaddy Division), and Sittoung (Rakhine State), bringing the total number of ATTFs to 22. In total, 114 police personnel are assigned to the ATU/ATTFs of which 28 percent are female.

The Department of Social Welfare (DSW), under the Ministry of Social Welfare, operates shelters for TIP victims and coordinates the limited retraining and reintegration support available to Burmese TIP victims.

For labor issues, the GOB in 2007 established the Working Group on Forced Labor, chaired by the Ministry of Labor. Other members include the Ministry of Defense, the Adjutant

General's Office, the Attorney General, and the police. This working group meets monthly and coordinates with the ILO on outstanding labor issues. The lead agency on child soldier recruitment is the Ministry of Defense.

The GOB accepted assistance from the UN and international NGOs, and bilateral assistance from other countries to help implement anti-TIP efforts. It facilitated the anti-trafficking work of World Vision, Save the Children, the AusAid-funded Asia Regional Trafficking in Persons Project (ARTIP), United Nations Interagency Project of Trafficking (UNIAP), UNICEF, and the International Organization for Migration (IOM), and the ILO.

IO and INGO staff reported increased GOB cooperation and generally agreed that GOB awareness of TIP issues continued to increase, as did government devotion of resources to the problem. Nonetheless, the GOB exercised tight control over all NGO projects in the country and restricted access and activities. These impediments continued to affect efficient operations by program implementers and frustrated foreign donors who were unable to monitor easily the projects they funded.

--C. Though the GOB has substantially improved its response to TIP over the course of the last three years, myriad challenges remain in place. Burma lacked rule of law and the judiciary was not independent during the reporting period. Corruption remained a serious problem, and Burma was once again rated among the most corrupt nations by Transparency International (ranked 178 out of 180 countries surveyed). While we assess that the ATU/ATTF officers tackling this problem are generally competent and dedicated, they are few in number and their competence is not mirrored by immigration authorities, the general police force, the military, and the various civilian arms of government involved. Corruption aside, Burmese civil service salaries are extremely low. Those who receive little pay may show little initiative and are vulnerable to bribery.

Overall trends, however, are more positive. The GOB increased its anti-TIP budget, which grew from USD 6,500 in 2007 to USD 1.3 million in 2008, and to USD 1.82 million in 2009. While expenditures did not match the scope of the problem, there has been dramatic improvement. INGOs and IOs

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continued to operate and several received government approval to expand programs to new geographic areas.

The numbers of cases investigated and prosecuted continued to grow when measured year on year. ATU/ATTF officers demonstrated growing sophistication in their efforts. In meetings with Emboffs, ATTF officers described undercover sting operations to apprehend traffickers and an instance where the case against a trafficker was made based on tracking money transfers. ATU/ATTF officers also appeared well-versed in behavioral profiling and analysis in discussions of trafficker identification. These more sophisticated approaches demonstrated progress made from the earlier paradigm in which the police simply responded after the fact with very basic investigative techniques to complaints brought by victims.

The police charged with anti-TIP roles have realized it is better to interrupt a TIP operation than to investigate once the criminal act has taken place, and have taken steps accordingly. While evidentiary standards may differ from a U.S. context, Burmese police are confident that their efforts have stopped some exploitation that would have taken place. They are likely correct.

Burma started from a very low point and, despite the obstacles presented by corruption and limited available funds, has made reasonable progress in the last three years.

--D. GOB officials have exhibited an uncharacteristic willingness to share statistics and details of their efforts to address TIP and related concerns. The police recognized the difference between trafficking and human smuggling and continued to make efforts to exclude smuggling cases from TIP figures. Details of anti-TIP efforts received occasional press coverage and GOB officials had regular interaction on the topic with foreign diplomats, UN officials, and NGO staff.

GOB efforts remained hampered by technical limitations. In one ATTF HQ visited by Emboffs, there were no computers visible. In another instance ATTF commanders described some of their most acute needs as: computers, software, and office furniture. One ATTF commander described purchasing off-the-shelf facial recognition software out of his own pocket to further the efforts of his unit. This dearth of technical capacity was likely the same throughout the reporting period in all GOB entities associated with anti-TIP efforts. Given GOB budget constraints and resources, there undoubtedly remained areas for improvement in collecting, analyzing, and sharing data within the GOB and with outside partners.

The GOB does not systematically report cases of internal forced labor and GOB officials remained unwilling to address the topic. This probably reflected internal political dynamics related to military control of the country.

--E. By law, Burmese citizens are obligated to apply for a National Registration Card (NRC) upon reaching 10 years of age. Each NRC bears a unique number as well as a photo of

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the applicant and biographic data. NRC holders must apply for a new card upon reaching 18 years of age. The card issued at 18 is held for life and does not require subsequent renewal. In practice certain residents of Burma are not considered citizens and are not entitled to NRCs or other documents - this category includes Rohingya people living on the Bangladesh-Burma border and some residents of Chinese and Indian origin. Each household in Burma must have a family registration book which contains information about residents and sometimes, but not always, photographs of the residents. Household registration books and NRCs are the primary identification documents used by the GOB. A limited number of Burmese also hold passports. Official and diplomatic passports are issued by the Ministry of Foreign Affairs and regular passports are issued by the Ministry of Home Affairs. Obtaining a passport is a notoriously slow and uncertain process. Most residents of border areas do not hold passports and instead cross international borders at unofficial crossings or with informal assent by officials.

Investigation and Prosecution of Traffickers

--A. Burma passed its Anti-Trafficking in Persons Law in September 2005. The law covers sexual exploitation, forced labor, slavery, servitude, debt bondage, and organ removal. The law applies to internal and external trafficking, and the Penal Code provides some additional protections. The law was used to prosecute 410 suspected traffickers in 2009. In addition to the Anti-Trafficking in Persons Law, the GOB also has several related laws, including the 2004 Mutual Assistance in Criminal Matters Law, the 1999 Law Relating to Overseas Employment, the 2002 Control of Money Laundering Law, the Penal Code, and the 1948 Suppression of Corruption Act. Although the GOB did not pass any new TIP laws in 2009, it ratified the ASEAN Mutual Legal Assistance Agreement in January 2009, and signed anti-TIP bilateral MOUs with Thailand and China in April and November, 2009, respectively.

Under Burmese law, trafficking is defined as recruitment, transportation, transfer, sale, purchase, lending, hiring, harboring, or receipt of persons after committing any of the

following acts for the purpose of exploitation with or without their consent: threat; use of force or other coercion; abduction; fraud; deception; abuse of power or position to take advantage of the vulnerability of a person or giving or receiving money or benefit to obtain the consent of a person having control over another person.

Military recruitment of children under 18 years is prohibited by Armed Forces notification number 13/73 (1974).

--B Burmese law does not generally distinguish based on the purpose of the trafficking. Punishments are based on the age/gender of the victim rather than the type of exploitation. The penalty for trafficking in children, youths, and women is 10 years minimum to life imprisonment with no parole, and also allows for a fine. The penalty for the trafficking of adult males is five years to 10 years maximum, and also allows for a fine. The penalty for adopting or marrying fraudulently for the purpose of

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committing trafficking, or causing the unlawful attainment of documents to enable a trafficked victim to depart or enter a country is three to seven years, and allows for a fine. Making use of a trafficking victim for pornography is punishable with five to 10 years imprisonment and allows for a fine. Offenders found guilty of trafficking with an organized criminal group can be imprisoned for 10 years to life, and may be liable for a fine.

Under the Penal Code, a life sentence can be completed after 20 years imprisonment, but under the Trafficking Law, there is no possibility of early parole. Offenders guilty of trafficking and another serious crime (with a sentence of four years or more) can be sentenced to a minimum of 10 years to a maximum of life imprisonment or a death sentence.

The police also have authority to seize the property of the offenders. In 2009, ATTFS seized property belonging to several traffickers. This property, as well as seized cash, was turned over to the GOB treasury, according to ATTF contacts, though they did not provide a valuation of the seizures.

--C. See previous section for trafficking penalties. Burma is not a destination country for labor migrants from abroad.

--D. The prescribed penalties for rape range from a fine to life imprisonment depending on the circumstances. The law requires mandatory minimum sentences in cases involving victims 14 years of age and younger. Cases involving victims under 12 years of age require a minimum prison sentence of 10 years. Cases involving victims between 12 and 14 years of age call for a minimum prison sentence of two years.

--E. According to the ATU, law enforcement investigated 155 trafficking cases in 2009. Of those cases, 36 cases ended in convictions and 119 cases are currently in the trial phase. Police officers identified 429 traffickers in 2009. Out of the 429 traffickers, 88 have been sentenced under Burma's TIP law while 322 face pending cases. The remaining 19 traffickers were fugitives at the end of 2009. The convicted traffickers received the following sentences:

Prison Sentence	Number of Traffickers
20 years	22
15 years	6
14 years	1
13 years	2
12 years	15
10 years	17
5 years	2

Burmese authorities reported that no traffickers were punished with suspended sentences or fines during the

reporting period.

The GOB assisted 302 victims in 2009, of whom 62 were children (defined in GOB statistics as individuals under 16 years of age). The nature of the TIP cases in 2009 varied: 25 cases dealt with forced prostitution and sexual

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exploitation; 104 cases dealt with forced marriage (this category includes many of the victims classified as children); 16 cases dealt with forced labor; and 10 cases dealt with forced adoption.

--F. In collaboration with the Australian-funded Asia Regional Trafficking in Persons Program (ARTIP), the police conducted Basic and Advanced Training workshops in 2009 for GOB officials. The training curriculum centered on investigation techniques and international best practices. The Central Police Training Institute in Mandalay continued to include trafficking in its curriculum for incoming cadets and as a component of in-service police training. ARTIP itself conducted four training sessions during the reporting period and provided training to 95 government officials (66 Burmese and 29 Chinese) assigned to anti-TIP roles in Burma or in neighboring Chinese territory. ARTIP funding from AusAid will cease in 2011.

ILO remained active in working against forced labor and child-soldier recruitment. During the reporting period the ILO team in Burma held: two training courses for military officers on best recruitment practices; a training course for deputy township judges and another for senior township judges; a course on human rights and international law for civil servants; and awareness raising seminars in Karen State, Shan State, Rakhine State, and Magwe Division. The GOB also agreed to the ILO's longstanding request to publish a brochure describing forced labor and avenues of redress. The GOB and ILO are currently engaged in negotiations over content.

UNICEF continued to educate Burmese military and civilian officials on topics related to child soldier recruitment. During the reporting period, UNICEF facilitated four training sessions for GOB audiences. A total of 110 commissioned and non-commissioned officers participated in the courses, as did 32 civilian officials from the Ministries of Foreign Affairs, Labor, Home Affairs, and Social Welfare. UNICEF officials were particularly pleased to note signs that the Ministry of Defense had begun to incorporate elements of UNICEF training into its own curricula. In addition to work on prevention, UNICEF remained active in provision of support to released child-soldiers. This assistance, in the form of education and health support, vocational training, and distribution of basic necessities, reached (or will reach in the cases where family tracing is ongoing) 104 released child-soldiers and their families.

Officials from the Committee Against the Recruitment of Minors conducted awareness raising sessions at military training depots that the GOB reports reached over 150,000 individuals (civilians, military, and civil service) in 2009.

Also per GOB reporting, the police held more than 1,500 advocacy meetings related to the dangers of child recruitment and reached over 100,000 civilians as well as almost 1,700 officials.

--G. Cooperation with Other Governments: Burma cooperates with ASEAN countries under the ASEAN Declaration on Trafficking in Persons; with Thailand, Cambodia, and Laos in

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the Asia Regional Trafficking in Persons Project (ARTIP); and with China, Thailand, Cambodia, Laos, and Vietnam in the Coordinated Mekong Ministerial Initiative Against Trafficking

(COMMIT).

Building on efforts begun in 2007 to improve international cooperation, in 2009 the Burmese Government concluded negotiations with Thailand and China on bilateral MOUs to establish formal policies dealing with cross-border trafficking. The GOB also pressed Indonesia and Malaysia to join cooperative regional efforts.

China: On November 11, 2009, Burma's Deputy Minister for Home Affairs and China's Vice Minister for the Ministry of Public Security signed an anti-TIP MOU in Beijing. The GOB maintains a dialogue on trafficking with the Chinese Ministry of Public Security, as well as with Chinese police, narcotics, and border control officials. In July 2007, the Burmese and Chinese Governments, working with UN assistance, established Bilateral Liaison Offices (BLO) in Muse, Burma, and Ruili, China. In December 2008, the Burmese, with Chinese assistance, opened an additional BLO in Lwe Je, Kachin State. These BLOs, staffed by officials on both sides who speak both Burmese and Chinese, share information about trafficking and enable Burmese and Chinese officials to work together on international trafficking cases. Burma and China have agreed to open a third BLO at the Chin Shwe Haw, Burma, and Ming Ting, China, border crossing in 2010. In 2009, the GOB jointly investigated a number of TIP cases with the Chinese authorities - including Chinese and Burmese officers accompanying their counterparts on investigations in both nations, and China repatriated 293 Burmese trafficking victims to Burma.

Thailand: On April 24, 2009, the GOB and the Thai Government signed an MOU on joint TIP cooperation. They subsequently formed a joint Plan of Action Working Group comprised of representatives from the relevant ministries of both nations to ensure effective implementation of the MOU. In August 2009, the two nations adopted a three-year MOU Plan of Action covering prevention, protection, prosecution, repatriation, and reintegration. The Thai Government repatriated 132 Burmese TIP victims in 2009.

--H. Burma's Extradition Act dates back to 1903; the GOB has not negotiated any recent extradition treaties. In 2009, the GOB did not send Burmese nationals to other countries for prosecution. The GOB does, however, accept the extradition of Burmese nationals apprehended for TIP related offenses in other countries. ATU contacts reported that the GOB accepted the extradition of 81 TIP offenders from China during 2006-2009. The ATU has not specified the fate of the extradited traffickers; we are unsure if they are in prison or free.

--I. In 2009, two government officials, one police officer and one immigration officer, were prosecuted for their involvement in trafficking cases. The GOB has not released details of the cases. The GOB does not routinely release information about officials charged with corruption or trafficking related offenses. Most outside observers assess

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that corruption is pervasive in Burma. It is likely that some corruption relates to domestic and international trafficking. Police may also self-limit their investigations if they lead toward well-connected individuals.

The military holds almost all power in Burma. The police are not in a position to investigate or prosecute cases of military perpetrated forced labor or child soldier recruitment absent assent from high ranking military officers.

In 2009, the Burmese military prosecuted an army captain for his role in child soldier recruitment. The court, presumably a court martial, convicted the officer, expelled him from the army, and sentenced him to one year of hard labor in a civilian prison. This is the first known instance of a

soldier being criminally prosecuted and sentenced to jail time for child soldier recruitment. Courts sentenced two enlisted soldiers to shorter terms in military prisons for their role in the same case and two non-commissioned officers received administrative punishments for their involvement. This is a significant development and far exceeds past GOB action involving child soldier recruitment.

In addition to the above-mentioned case, Post estimates that an additional 25 military personnel have received administrative sanctions including: official reprimand, loss of pay, and loss of seniority for promotion and retirement purposes.

ILO statistics on the release of child soldiers were previously mentioned. UNICEF also reported on GOB efforts, previously unknown, to screen potential recruits. Based on access to recruitment centers during joint training sessions, UNICEF staff assessed that military recruiters turned away significant numbers of potential enlistees for presenting counterfeit documentation of age.

--J. On paper the GOB has a robust plan to deal with officials involved in TIP. GOB laws and regulations prescribe the following steps for public officials suspected of trafficking:

- Immediate suspension of suspected official;
- A Departmental Inquiry Body conducts an internal investigation;
- If the Departmental Inquiry Body finds the official guilty, it sends the case to the District Court for prosecution, per the Anti-Trafficking in Persons Law;
- If found guilty, the official is dismissed from government service and punished according to applicable law.

Additionally, any public official who demands or accepts money and property for himself or for another carrying out an investigation, prosecution, and adjudication under this law will be imprisoned for three to seven years, and may be liable for a fine. Reality does not likely reflect the steps laid out on paper. Corruption and the unequal power structure in place ensure that not all officials are equally subject to legal sanction.

--K. Burma does not contribute troops to international peacekeeping efforts.

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--L. Burmese police reported that foreigners sexually exploited children in Burma during the reporting period. The GOB has not released information on incidence levels but conversations with Burmese police officers indicated the problem was relatively uncommon and typically involved a foreigner that spent extended periods of time living in Burma rather than the "sex tourist" phenomenon observed in some neighboring countries. Burmese police contacts reported that perpetrators tended to be European and Australian and added that no Amcits have been identified as perpetrators.

GOB officials reported active cooperation with Australian law enforcement on interdicting the travel of known pedophiles. Australian police reportedly notified Burmese counterparts if a known sex offender was enroute to Burma, giving Burmese authorities the opportunity to refuse the traveler entry or work with ASEAN neighbors to deny airline boarding at a transit stop.

There is no information available that indicates Burmese nationals are perpetrators of child sex tourism.

The Burmese Penal Code does not contain specific extraterritorial amendments such as the PROTECT Act. However, Burmese police asserted that the Burmese Penal Code applies to all Burmese citizens regardless of their location. In recent meetings, ATU officers expressed frustration that some EU citizen pedophiles have been, to the best of the

GOB's knowledge, released without punishment after Burma deported them to their home country.

Protection and Assistance to Victims

-- A. Police officers interview rescued and repatriated TIP victims and then pass them to the Department of Social Welfare (DSW). The DSW houses victims in one of eight residential vocational training centers. While at the DSW shelters, victims participate in a mandatory two-week program that contains elements of counseling, skills training, trafficking awareness education, and health screening. The Myanmar Women's Affairs Federation, Myanmar Maternal and Child Welfare Association, and other government-sponsored organizations assist with services at these shelters.

While TIP victims participate in the mandatory two-week program, DSW officials conduct family tracing in order to locate an adult relative, a parent when possible, into whose custody DSW will release the victim. DSW will not release victims on their own recognizance, even if they are adults, once the mandatory two-week course is complete. As family tracing is often a long process, made more so by frequent victim unwillingness to share accurate biographical/address data with DSW officials, many victims stay in the DSW shelters for longer than the mandated two weeks. GOB estimates placed the average stay at one month. This may be an optimistic estimate.

Medical treatment in the shelters is provided with the consent of the victims. HIV testing is encouraged but

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reportedly not mandatory for TIP victims. A number of victims enter DSW custody while pregnant. DSW officials described provision of pre- and ante-natal care as a specific strain on shelter resources.

--B. The victim care facilities described above are not specialized. They can be dual-use or multi-use facilities used to care for other wards of the state (orphans, juvenile offenders, etc). The GOB does not provide specialized care or assistance for male, female, or child victims. All shelters are operated by the GOB. NGOs were not able to operate TIP victim shelters during the reporting period.

--C. During their stay in DSW shelters, victims benefit from legal, medical, and psychological services at a level comparable to what is available to the general population in Burma. There is room for improvement, beginning with the model that treats adult TIP victims as if they were juveniles who must be released to an adult family member, but there are no indications that the GOB withholds or provides diminished services based on an individual's TIP victim status. While in the DSW shelters, victims are sheltered, fed, clothed, and benefit from what counseling and training is available. There appear to be few trained social workers employed in the DSW system and even fewer psychologists or psychiatrists.

Some victims benefit from support by NGOs after their release from DSW shelters, including: educational assistance, livelihood support, grants/loans, and business training. The GOB does not fund foreign or local NGOs but does contribute in-kind services such as venues for training, transportation support, and assistance from government officials.

During 2009, the GOB provided approximately USD 1.82 million for trafficking in persons-related issues.

-- D. The GOB provides immediate support to foreign TIP victims but seeks to repatriate them to their home countries rather than provide long term assistance. The Burmese Government does not provide temporary or permanent residence status to foreign TIP victims.

-- E. The GOB does not provide long-term housing benefits beyond the time victims spend in the DSW shelters. DSW, other GOB entities, and NGOs are sometimes able to provide additional assistance to victims rebuilding their lives. Funding for all providers is quite limited and unmet needs remain.

-- F. The Burmese police transfer TIP victims to the DSW shelters described above.

-- G. The GOB identified 302 TIP victims in 2009. The types of TIP victims identified by the GOB during the reporting period included: victims of forced marriage (67 percent), forced prostitution (16 percent), forced labor (10 percent), and forced adoption (6 percent).

-- H. Personnel from the 22 ATTFFs and officials from immigration, the general police force, social welfare, and customs, received training on proactive victim identification

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and referral systems, organized and sponsored by ARTIP between 2005--2009.

Prostitution is illegal under Burmese law and there are no systems in place to screen sex-workers to identify TIP victims.

-- I. The Trafficking in Persons Law provides protection for trafficking victims' rights. Victims are not jailed, fined, or prosecuted for other violations. However, TIP victims remanded to DSW custody are not free to leave on their own volition and, as noted, social welfare officials will only release them from custody to an adult family member.

In forced labor cases, the law does not protect victims from countersuit by officials. During this reporting period, complainants in a series of forced labor cases in Magwe Division suffered harassment and judicial retribution by local authorities for their role in reporting forced labor perpetrated by GOB officials.

--J. The government continued to encourage internationally trafficked victims to assist in investigations and prosecutions. Police request assistance from victims during their stay at repatriation centers and DSW shelters. Victims are not obligated to cooperate with law enforcement authorities. Victims also have the right to file civil suits and seek legal action against traffickers. Under Burmese law, no one may impede or obstruct the victim's case. The victim can give testimony without directly confronting the accused.

Burmese law provides for the provision of financial compensation to TIP victims from the disposal of seized assets. The GOB has not developed a formal compensation scheme based on this legal foundation and we do not believe any victims received such compensation during the reporting period.

There are no legal restrictions preventing a trafficking victim from seeking employment while involved in an ongoing prosecution.

-- K. GOB officials benefit from previously described training provided by IOs, NGOs, and GOB trainers. This includes TIP victim identification curricula for police officers. Some police officers have benefitted from 'child-friendly' interview techniques training and at least one ATTFF office was upgraded to include a 'child-friendly' interview room.

Post is unaware of the methods in place at Burmese embassies and consulates abroad to assist Burmese TIP victims.

-- L. The Burmese Government provides in-kind assistance to

repatriated TIP victims but is not typically able to provide meaningful financial assistance. The GOB provides shelter, medical care, social counseling, information on STDs, vocational training, reintegration service, and TIP awareness training to repatriated victims. The GOB also provides housing, food, clothing, and basic necessities to shelter

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residents. Local and international NGOs support the government in the provision of these and other services.

Once a victim departs from a shelter, the government and NGOs provide limited reintegration assistance - including some income generation assistance and vocational training. The government is legally bound to protect TIP victims but we are not aware of any cases during the reporting period in which victims required protection from retribution from traffickers.

-- M. UNIAP, UNICEF, World Vision, and Save the Children worked with the GOB and with local NGOs and community-based organizations to assist TIP victims during the reporting period. They conducted research on TIP in Burma, defrayed the cost of family tracing, conducted family assessments, provided lifestyle and skills training, and provided capital for income generation activities. INGOs and UN agencies reported reasonable levels of cooperation and communication with GOB contacts working on international TIP issues. Access remained problematic in some regions and authorities were much less inclined to cooperate to prevent and remedy domestic TIP cases than cross-border ones. The GOB remained generally willing to accept international support related to anti-TIP, and shared information on its investigations and activities.

The ILO Liaison Office in Burma works with the Burmese Government to address the systemic forced labor practiced by government and military officials. Compared to 2008, the ILO Liaison Officer had improved access to GOB officials during the reporting period. For the first time, the ILO Liaison Officer, along with ILO headquarters representatives, met with the three Burmese major generals responsible for recruitment, military strength, and military training. In January 2010, the ILO and GOB extended the Supplementary Understanding on Forced Labor (SUP) for an additional year.

The ILO continued to receive forced labor complaints, primarily child soldier cases, and forward them to the Working Group on Labor for action. While the ILO reported progress in 2009, it remained concerned over judicial retribution against a group of forced labor complainants from Magwe Division. Local authorities sought revenge against farmers who brought a series of linked cases to the ILO. Local officials prosecuted and jailed a number of the complainants, their lawyer, and their associates. The central government in Nay Pyi Taw remained unwilling or unable to intervene with local authorities in Magwe to stop the politically motivated harassment of the forced labor complainants during the reporting period. There were indications in early 2010 that the GOB would move to free some of the farmers.

As detailed above, in 2009 the Burmese authorities for the first time ever criminally punished military officials involved in underage recruitment.

Prevention -----

-- A. The Burmese police conducted extensive

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awareness-raising campaigns during the reporting period. Among the highlights of these campaigns as reported by the ATU: 27 anti-TIP billboards created, 48,675 flyers

distributed, and 12,000 video clips disseminated with a total of 53,219 people reached. The Women's Affairs Federation and National Committee for Women's Affairs also conducted an undetermined number of educational sessions for women around the country, which include discussion about the risks of trafficking. The targets of GOB campaigns were predominantly potential victims.

The GOB participated in MTV's End Exploitation and Trafficking (EXIT) campaign, funded by USAID. Senior Burmese police officials, including Police Colonel Sit Aye, Head of Department for Transnational Crimes, together with Embassy Rangoon Charge d'Affaires, spoke at the Rangoon premiere of the EXIT campaign's film Traffic - a series of vignettes that provide examples of TIP. Sit Aye publicly acknowledged the problem of trafficking and pledged continued GOB support for prevention and prosecution efforts. The Burmese-language version of the film, narrated by a local rock star, subsequently aired multiple times on Burmese state-run TV.

-B. Immigration and police offices continued to monitor border checkpoints and were briefed on their role in combating TIP. The ATU has posted ATTF officers at identified "hotspots" along the border and within Burma. In July 2007, the GOB, with UN assistance, established its first Border Liaison Office (BLO) in Muse, near the China border. In December 2008, the GOB opened its second BLO in Lwe Je, Kachin State. The BLOs facilitate information sharing between the Burmese and Chinese authorities on cross-border trafficking. The Thai-Burma MOU signed during the reporting period provides for the creation of TIP coordinating offices on their shared border.

--C. The Central Body for Suppression of Trafficking in Persons is the GOB's leading coordination body at the national level. The National Task Force on Anti-Trafficking in Persons helps coordinate activities among various domestic and international organizations. Additionally, the GOB has three working groups under the Central Body that work on trafficking issues:

- The Working Group on Prevention of Trafficking in Persons and Protection of Trafficked Victims, headed by the Deputy Minister of Home Affairs and including 24 members from GOB ministries and NGOs;
- The Working Group on Legal Framework and Prosecuting Measures, headed by the Attorney General; and
- The Working Group on Repatriation, Reintegration, and Rehabilitation of Trafficked Victims, headed by the Minister of Social Welfare.

Additionally, there are several other organizations that assist with trafficking issues:

- The Myanmar National Committee for Women's Affairs (MNCWA), chaired by the Minister of Social Welfare, Relief and

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Resettlement, which addresses women's issues;

- The Myanmar National Working Committee for Women's Affairs (MNWCWA), chaired by the Deputy Minister, consists of 30 members from related ministries and NGOs;
- The Human Trafficking Working Group, consisting of UN agencies and international NGOs, which meets quarterly to coordinate, communicate and plan Anti-TIP efforts;
- The Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT) Task Force, the national group tasked with implementation of the COMMIT Plan of Action developed in 2004 with the six Greater Mekong Sub-region countries; and
- The Task Force on Repatriation, comprised of the Director General of the Ministry of Social Welfare, international NGOs, and UN agencies, which works specifically on repatriation efforts.

--D. The GOB developed a National Action Plan (NAP) in 1998, and revised it in 2004 under the COMMIT plan of action. A committee created to bring the NAP in line with the 2005 Anti-Trafficking Law was formed in April 2006. In February 2008, the GOB signed and approved a new five-year National Action Plan for 2007-2011. According to officials, the NAP prioritizes victim protection and establishes GOB plans for policy and cooperation, prevention, prosecution, protection, and capacity building.

--E. We are unaware of specific GOB measures to reduce the demand for commercial sex acts during the reporting period. Prostitution remained illegal in 2009.

--F. We are unaware of specific GOB measure to reduce the participation in child sex tourism by Burmese nationals. Given Burma's stagnant economy and GOB restrictions on issuing passports, very few Burmese nationals travel abroad as tourists.

--G. Not applicable. Burma does not contribute troops to international peacekeeping efforts.

Partnerships

--A. The GOB actively engaged with other governments, international organizations, NGOs, and local organizations on TIP issues. Please see details of partnerships in preceding responses. The GOB does devote resources to TIP. The overall amounts remain small by Western standards, as is true of most GOB resource allocations benefiting average citizens. (Burma spends less than 1 percent of GDP on education and health combined.) However, year on year increases since 2007 show a 27,900 percent increase in GOB investment in fighting TIP. The 2008 to 2009 increase in spending was 40 percent.

--B. Burma does not provide assistance to other countries.

Child Soldiers

--A. As detailed in the annual Human Rights Report and previously in this submission, the forcible recruitment of child-soldiers remained a problem in GOB controlled areas of the country throughout the reporting period. Ethnic

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insurgent groups also engaged in child soldier recruitment. The magnitude of this problem is difficult to assess because many areas, GOB controlled and otherwise, are off-limits to foreigners. It is likely that child soldiers were direct participants in hostilities.

GOB-ILO and GOB-UNICEF engagement on this topic and steps taken to remedy the problem are previously detailed.

One noteworthy example of child-soldier recruitment in a non-GOB context is a recent case that involved a Burmese national employee of an INGO who allegedly participated in the 2009 trafficking of five youths, at least two of whom were under 18, to an ethnic-insurgent army. The perpetrator's motives in this case were reportedly political rather than financial, highlighting how continued tensions between the GOB and ethnic groups fuel the demand for soldiers, child or adult, on all sides.

16. (U) Embassy point of contact for TIP issues is Marc Porter, Economic Officer. He is available at tel: 95-1-650-006, ext. 4227, fax: 95-1-650-306. Combined embassy hours spent compiling information for this report: 108
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